

~~providing a second fastening mechanism;~~
~~securing said second set of structural tubes in a substantially upright position in spaced relationship to one another to said second set of beams with said second fastening mechanism;~~
~~providing a securing mechanism; and~~
securing said assembled first set of structural U-shaped tubes to said assembled second set of structural U-shaped tubes with said securing mechanism wherein said securing mechanism includes at least one beam extending the length of said crate and fasteners securing said assembled first set of structural U-shaped tubes to said assembled second set of structural U-shaped tubes.

Claim 19 (currently amended): The method of claim 10 wherein said method further includes:
disassembling said crate by unfastening said first set of structural U-shaped tubes from said first set of beams.

Claim 20 (canceled)

Claim 21 (new): A crate system for transporting items wherein said crate system comprises:
a first set of structural tubes that are substantially U shaped;
a first set of beams;
a first fastening mechanism for securing said first set of structural U-shaped tubes in a spaced relationship to one another in a substantially upright to said first set of beams;
a second set of structural tubes shaped in a substantially U shape;
a second set of beams;
a second fastening mechanism for securing said second set of structural U-shaped tubes in a substantially upright position in spaced relationship to one another to said second set of beams; and
a securing mechanism for securing said assembled first set of structural U-shaped tubes to said assembled second set of structural U tubes.

Claim 22 (new): A method for using a crate system for transporting items wherein said method comprises:

- providing a first set of structural, substantially U-shaped tubes;

- providing a first set of beams;

- providing a first fastening mechanism; and

- securing said first set of structural U-shaped tubes in a spaced relationship to one another in a substantially upright position to said first set of beams by said first fastening mechanism;

- providing a second set of structural tubes shaped in a substantially U shape;

- providing a second set of beams;

- providing a second fastening mechanism;

- securing said second set of structural U-shaped tubes in a substantially upright position in spaced relationship to one another to said second set of beams with said second fastening mechanism;

- providing a securing mechanism; and

- securing said assembled first set of structural U-shaped tubes to said assembled second set of structural U-shaped tubes with said securing mechanism.

REMARKS

The Examiner is thanked for the Office Action of October 16th, 2008 and for the notice of abandonment on May 12th, 2009. In response to the Notice of Abandonment, Applicant herewith provides a Petition to Revive an Application Unavoidably Abandoned, along with all required fees, including the revival fees, RCE fees and a complete response to the outstanding office action.

This filing is intended to be fully responsive to all outstanding notices.

Title Amendment

Under MPEP 606 words such as “improved” or “improvement” are not considered as part of the title of an invention, and should not be included and will be deleted when the Office enters the title into the Office’s computer records. The title has not previously been amended by the Office and therefore Applicant respectfully requests that the title be amended to read “~~IMPROVED~~ CRATE SYSTEM”. No new matter has been added.

Claim Rejections—35 USC § 112

The Examiner rejected Claim 11 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 11 is amended with this submission and the rejection should now be moot.

Allowable Subject Matter

The Examiner is thanked for his recognition of allowable subject matter in claims 8, 9, 17 and 18. With this submission Applicant amends Claim 1 to incorporate the allowable matter of 8 and as such claim 1 should now be allowable. Claim 9 depends from now allowable Claim 1 and should also now be allowable. Claims 2-4 are canceled. Claims 5 and 7 are herewith amended and depend from now allowable claim 1 and should also now be allowable. Claim 6 is canceled, as is claim 8. Claim 10 now includes patentable matter from claim 17 and as such should now also be allowable. Claims 11-13 are canceled. Claim 14 depends from now

allowable claim 10 and should now be allowable. Claims 15, 17 and 20 are canceled. Claims 16, 18 and 19 depend from now allowable claim 10 and as such should also be allowable. Claims 21 and 22 are new and are fully supported in the specification. No new matter has been added.

Conclusion

It is respectfully submitted that Claims 1, 5, 7, 9, 10, 14, 16, 18, 19, 21 and 22 are now in condition for allowance and notice to that effect is respectfully requested. No new matter has been added.

Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

/Tracy M Heims 53010/
Tracy M Heims
Reg. # 53,010

Apex Juris, pllc
12733 Lake City Way Northeast
Seattle, Washington 98125
P: 206-664-0314 F: 206-664-0329
Email: usa@apexjuris.com